



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,203	09/24/2001	Nicaise Gregoire	011149	6216

23850 7590 01/14/2003

ARMSTRONG, WESTERMAN & HATTORI, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

FERNSTROM, KURT

ART UNIT	PAPER NUMBER
----------	--------------

3712

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926 ~~1~~03

Applicant(s)

PHILIP ET AL.

Examiner

Kurt Fernstrom

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

Art Unit: 3712

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout and content for patent applications.

These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
 - 1. Field of the Invention.

Art Unit: 3712

2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.

- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims contain numerous examples of language which renders the claims indefinite, including the following: "Adapts to the dimensions" in claim 1, line 5 is indefinite, as well as "the architectural space", also in claim 1, line 5, which does not appeared to be claimed as part of the invention and thus lacks antecedent basis. The phrase "at least two different flat parts or with volume with rectilinear parts" in claim 1, lines 9-10 is indefinite because it is not clear

Art Unit: 3712

what is being claimed. “Continuously and linearly” in claims 1 and 2 is indefinite because it appears from the specification that the length of each space element does *not* vary continuously, but rather, is fixed at a length selected by the user to simulate the dimensions of an architectural space. In claim 2, “referred to as” is indefinite because it is not clear who is doing the referring, and it is not clear whether the male and female parts are positively being recited as part of the claimed invention. In claim 3, it is not clear what is meant by “same physical properties”, as the decorative element, by being differently sized and shaped, inherently does not have the same physical properties as the space element. In claim 6, the term “preferably” is indefinite because it is not clear whether the “preferred” embodiment is intended to be part of the claimed invention. In claim 10, “this property” should be changed to “a ferromagnetic property” to make clear what property is being added to the space element. In claim 13, “designed to accommodate” is indefinite because it is not clear what structural limitations are encompassed by the phrase. Also in claim 13, the repeated use of “type” (as for example in “magnetic link type”) is indefinite because the term “type” is very broad and does not adequately define the scope of the claim. In claims 14 and 15, it is not clear what is meant by the phrase “starting from an evolute”. Also, the phrase “designed so as” is indefinite because it is not clear what structural limitations are encompassed by the phrase.

Art Unit: 3712

Allowable Subject Matter

3. Claims 1-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose or suggest a device having all of the limitations of claim 1; in particular a device comprising space elements of reduced scale which are connectable to each other and are used in conjunction with decorative objects representing decorations of interiors, whereby each space element has two parts which are slidable relative to each other to allow the user to adjust the length of each one. While walls comprising parts which are slidable relative to each other are known, as shown for example by Nato, Jones and Kaliscewski, each of those devices is slidable for the purposes of transport and selectively opening or closing a wall. There is no suggestion to variably adjust the length to accommodate a plurality of spaces, and thus there is no motivation to combine these references with any references relating to reduced scale architectural space models, such as Feagan, Reid, Rust, Everhart and Fink. Also, while Kroll discloses an expandable doll house, that again relates to portability, rather than selective spacing, and does not suggest individual expandable space elements which are connectable to each other.

Art Unit: 3712

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Feagan, Reid, Rust, Everhart, Fink, Wright and Brimberg disclose various reduced scale architectural space models for assisting a user in organizing spaces. Bach, McMurray, Guza, Kroll and Smith disclose various toy building devices. Nato, Jones and Kaliscewski disclose expandable wall elements.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303.

KF

January 9, 2003

Kurt Fernstrom
Kurt Fernstrom